IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36589 of 2007(E)

PETITIONER:

P. SANTHAKUMARI, W/O.THE LATE P.GOPALAN,
BHARGAVI BHAVAN, PARAVOOR P.O., KOLLAM DISTRICT.

BY ADV. SRI.C.S.MANU
SRI.S.K.PREMRAJ
SRI.ANOOP JOSEPH
SRI.ANOOP.V.NAIR
SRI.ABHILASH AKBAR
SRI.T.B.SIVAPRASAD

RESPONDENTS:

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1. RECOVERY OFFICER,
DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

2. UNION BANK OF INDIA,
KOZHIKODE MAIN BRANCH, CHEROOTTY ROAD, CALICUT.

BY GOVERNMENT PLEADER, SMT.ANU SIVARAM FOR R1
ADV.SRI.A.V.THOMAS FOR R2
SRI A.S.P.KURUP, S.C

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, ALONG WITH WP(C) NO.36590/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C) Nos. 36589/2007-E & 36590/2007-E

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Dated this the 11th day of December, 2007

J U D G M E N T

These writ petitions are filed challenging the auction proceedings of the Recovery Officer of the Debt Recovery Tribunal on the ground that the rules in the second schedule of the Income Tax Act have been violated. The petitioners in these cases have, therefore, alternate efficacious remedy by recourse to the Debt Recovery Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993. Under such circumstances, these writ petitions are dismissed in limine without prejudice to such rights of the petitioners.

THOTTATHIL B. RADHAKRISHNAN,
Judge

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